

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 18-10514 (AIH)
)	
WILSON LAND PROPERTIES, LLC,)	Chapter 7
)	
Debtor.)	Judge: ARTHUR I. HARRIS
)	
SHELDON STEIN,)	Adversary Proceeding No.
TRUSTEE IN BANKRUPTCY)	
50 Public Square, Suite 2200)	
Cleveland, Ohio 44101)	
)	
Plaintiff,)	
v.)	
)	
OSAIR, INC.)	
c/o Richard M. Osborne, Statutory Agent)	
7001 Center Street)	
Mentor, Ohio 44060)	
)	
CITIZENS BANK, N.A.)	
fka RBS Citizens, N.A. dba Charter One)	
Attention: Executive Officer)	
One Citizens Plaza)	
Providence, Rhode Island 02903)	
)	
GREAT PLAINS EXPLORATION LLC)	
c/o Melvyn E. Resnick, Statutory Agent)	
60 South Park Place)	
Painesville, Ohio 44077)	
)	
TAX EASE OHIO, LLC)	
c/o Corporation Service Company,)	
Statutory Agent)	
50 West Broad Street, Suite 1330)	
Columbus, Ohio 43215)	
)	
9010 TYLER, LLC)	
c/o Lisa D. Summers, Statutory Agent)	
27 West Main Street)	
Geneva, Ohio 44041)	
)	

LORRAINE FENDE,)
LAKE COUNTY TREASURER)
105 Main Street)
County Administration Building)
Painesville, Ohio 44077)
)
Defendants.)

**COMPLAINT TO DETERMINE VALIDITY, PRIORITY AND AMOUNT OF LIENS,
CLAIMS AND INTERESTS IN AND TO REAL PROPERTY
(Real Property located at 9010 Tyler Boulevard, Mentor, Ohio 44060,
Lake County, Ohio Parcel Number 16-B-59-0-00-021-0)**

The Plaintiff, Sheldon Stein, Trustee in Bankruptcy (the “Plaintiff” or “Trustee”), respectfully represents to the Court as follows:

1. This proceeding relates to the chapter 7 case of *In re Wilson Land Properties, LLC*, Case No. 18-10514 (AIH) pending in the United States Bankruptcy Court for the Northern District of Ohio, Eastern Division; and jurisdiction of this proceeding is vested in this Court by virtue of the provisions of 28 U.S.C. § 157 as enacted and effective on July 10, 1984, as part of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Local General Order No. 2012-7, entered on April 4, 2012 by the United States District Court for the Northern District of Ohio, and pursuant to 28 U.S.C. § 1334 as amended, in that the matters hereinafter alleged as the Complaint of Plaintiff are core proceedings within the core matter jurisdiction of this Court pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B), (K) and (O), relating among other things to the determination of validity, priority and amount of liens on real property, and with respect to which the Plaintiff consents to the entry of all final orders by the Bankruptcy Court and the Judge thereof.

2. On January 31, 2018, the Debtor, Wilson Land Properties, LLC (the “Debtor”), filed a petition in the United States Bankruptcy Court for the Northern District of Ohio seeking relief

under chapter 11 of the U.S. Bankruptcy Code (the “Debtor’s Case”). The Debtor’s Case was converted to a chapter 7 case on July 3, 2019.

3. Plaintiff is the duly appointed and acting Chapter 7 Trustee in Bankruptcy for the Debtor.

4. At the time of the commencement of the Debtor’s Case, the Debtor was the owner of or had an ownership interest in real property located at 9010 Tyler Boulevard, Mentor, Ohio 44060, which is more fully described as follows:

Situated in the City of Mentor, County of Lake and State of Ohio and being known as part of Original Mentor Township Lots No. 3 and 4, Tract 7 and Lot No. 7, Tract 6 further bounded and described as follows:

Beginning at an iron pin monument box in the centerline of Tyler Boulevard Extension, 60 feet wide as shown by the plat recorded in Volume 29, Page 16 of Lake County Plat Records, said point being the centerline of a 60 foot cul-de-sac easement;

Thence along the arc of a centerline curve deflecting to the left, 323.23 feet, said curve having a radius of 8,000 feet and a chord which bears N. 37° 41” E., 323.21 feet to a point;

Thence S. 37° 50’ 33” E., a distance of 31.85 feet to the southerly right of way line of Tyler Boulevard Extension, said point being referenced by a LDC, Inc. cap found (0.07 feet S. 0.05 feet E.); said point being the principal place of beginning of the parcel herein intended to be described;

Thence along the arc of a right of way curve deflecting to the left, 267.02 feet, said curve having a radius of 8030.00 feet and a chord which bears N. 31° 35’ 41” E., 267.02 feet to an iron pin set;

Thence S. 37° 50’ 33” E., a distance of 809.68 feet to an iron pin set;

Thence S. 52° 09’ 27” W., a distance of 375.00 feet to an iron pin set;

Thence N. 37° 50’ 33” W., a distance of 170.84 feet to a LDC, Inc. cap found (0.14 feet S. 0.29 feet W.);

Thence N. 52° 09’ 27” E., a distance of 125.00 feet to an iron pin set;

Thence N. 37° 50’ 33” W., a distance of 545.06 feet to the principal place of

beginning and containing 4.864 acres of land as surveyed and described by Terrence G. Gerson, P.S. No. 6662, for Wm. R. Gray Associates, Inc. based on a survey dated March, 1999 by Richard A. Thompson, Jr. P.S. No. 7388 of LDC, Inc. be the same more or less, but subject to all legal highways and easements of record. Basis of bearings referred to the Tyler Boulevard Plat mentioned above.

Permanent Parcel No. 16-B-59-0-00-021-0

(the "Real Property").

Determination of Liens, Claims and Interests

5. All of the Defendants named in the caption of this complaint may have or claim to have a lien, claim or other interest in and to the Real Property or the proceeds of any sale thereof.

6. It is necessary to determine the rights, claims and interests, if any, of all of the Defendants with respect to the Real Property in order to fully and properly administer the Debtor's case under title 11 of the U.S. Code.

7. Each of the Defendants should be required to assert whatever interests they have or may profess to have in and to the Real Property or the proceeds thereof by timely answering this complaint, or be forever barred from asserting any lien, claim or other interest in and to such Real Property or the proceeds thereof.

WHEREFORE, the Plaintiff, Sheldon Stein, Trustee, demands a judgment in his favor, as follows:

A. With respect to the Real Property described above, that each of the Defendants named in the caption of this complaint, timely and by written answer to the complaint, assert the respective liens, claims or other interests they may have, or profess to have, in and to the Real Property or the proceeds of thereof. Further, that at the time of trial, in the event that any of the Defendants file a timely answer, Plaintiff requests that this Court determine the validity, priority and amount of

any such liens, claims or other interests of such Defendants and their entitlement, if any, to the proceeds of any sale of the Real Property.

B. For such other and further relief as may be just and equitable in the premises.

Respectfully submitted,

/s/ Robert D. Barr

Robert D. Barr (#0067121)
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Attorney for the Plaintiff,
Sheldon Stein, Trustee